

**Notice of Allowability**

Application No.

10/788,986

Examiner

Derek L Dupuis

Applicant(s)

JAPON, SONIA

Art Unit

2883

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☐ This communication is responsive to \_\_\_\_.
2. ☒ The allowed claim(s) is/are 1-11.
3. ☒ The drawings filed on 27 February 2004 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_.
- Identifying Indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 2/27/2004
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_.

### **EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Arne R. Jarnholm (Reg no. 30,396) on 1/10/2005.

The application has been amended as follows:

In claim 1, delete the word "on" in line 2 and replace it with --one--.

In claim 2, delete the word "thermoplastic" (occurs twice) in lines 1 and 2. Delete the words "of blend" in line 2. Add the word --thermoplastic-- between the words "amorphous" and "polymer" in line 4.

In claim 10, delete the word "on" in line 2 and replace it with --one--.

### ***Information Disclosure Statement***

2. The information disclosure statement (IDS) submitted on 2/27/2004 has been considered by the examiner. The second reference on the IDS was listed as US Patent Number 6,483,791. Upon reviewing this reference and the background section of the specification, the examiner has concluded that the second reference listed on the IDS was intended to be US Patent Number 6,483,971 as listed in the specification. The examiner has made the necessary correction to the IDS and has considered both references as they appear on the corrected IDS.

### ***Allowable Subject Matter***

3. Claims 1-11 are allowed.

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4. The following is an examiner's statement of reasons for allowance:

5. Claims 1-11 are allowable over the prior art of record because the latter, either alone or in combination, does not disclose nor render obvious a buffer tube covering comprised of a blend of at least 40% by weight of a copolyether ester elastomer, at least 10% by weight of a rubbery modifier, and at least 10% by weight of an amorphous thermoplastic polymer, where the blend has a melting point of at least 165°C and a Trouser Tear Strength of less than 65 N/mm in combination with the rest of the claimed limitations.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. *Simomichi et al (US 6,760,528 B2)* teach a covered optical fiber comprising a coating layer with an E Modulus of at least 200 MPa. Simomichi et al also teach that the coating layer comprises a thermoplastic polymer and an elastomer. *Norris et al (US 2003/0044139 A1)* teach a covered optical fiber comprising a coating layer that comprises polyethelene. Norris et al also teach that the coating has a Shore D hardness of at least 55. However, neither Simomichi et al nor Norris et al teach that either coating has the percentages by weight limitations of the claims.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Derek L Dupuis whose telephone number is (571) 272-3101. The examiner can normally be reached on Monday - Friday 8:30am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frank G. Font can be reached on (571) 272-2415. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Derek L. Dupuis  
Examiner  
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